

**REMARKS**

In accordance with the foregoing, claim 1 has been amended, and claims 1-29 are pending and under consideration. No new matter is presented in this Amendment.

**REJECTIONS UNDER 35 U.S.C. §101:**

Claims 1-16 are rejected under 35 U.S.C. §101 because the Examiner alleges that "claims 1-16 still recite non-functional descriptive materials." In the Office Action at page 2, the Examiner explains why he has maintained the rejection of claims 1-16 under 35 U.S.C. §101: "[c]ontrary to a computer-executable program that causes the computer to perform a sequence of positive steps, which is not intended use, the medium recited by the claims 1-16 storing only four pieces of data which 'indicate whether the drive can record and reproduce data on the information storage medium.' However, indicating 'whether the drive can record and reproduce data on the information storage medium' is an intended use, not a step or sequence of steps that causes a computer to perform a specific useful task. Thus, they are non-statutory for that reason."

Claim 1 has been amended to recite the additional feature: "wherein the computer readable medium controls recording and reproducing operations of the drive according to the maximum recording speed information, the minimum recording speed information, the maximum reproducing speed information, and the minimum reproducing speed information." Support for this amendment can be found, for example, at page 10, paragraph [0039] of the specification, which states: "[w]hen a storage medium according to the present invention has been inserted into such a drive device, the drive device reads out the speed information and records and/or reproduces data by referring to the read-out speed information."

Thus, it is respectfully submitted that claim 1 recites a computer-readable medium which causes a computer to "perform a sequence of positive steps." Specifically, the computer-readable medium recited by claim 1 controls recording and reproducing operations of the drive according to the maximum recording speed information, the minimum recording speed information, the maximum reproducing speed information, and the minimum reproducing speed information. The use recited by claim 1 is not an intended use, but is rather an actual use, i.e., a "step or sequence of steps that causes a computer to perform a specific useful task." The computer-readable medium controls the drive to perform recording and reproducing operations, and using speed information to control a drive to perform recording and reproducing operations of data is an actual use which causes a computer (the drive) to perform the specific useful task

of performing recording and reproducing operations.

Thus, it is respectfully submitted that the rejection of claims 1-16 under 35 U.S.C. §101 should be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §101:**

Claims 17-29 are allowed.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 4/19/08

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